

The Orissa Gazette

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IN THE COURT OF THE ADDITIONAL ASSISTANT COMMISSIONER OF
ENDOWMENTS, SAMBALPUR

O. A. CASE No. 10 of 2005

Dated the 3rd June 2008

Under Section 42 (6) of O. H. R. E. Act

arising out of O. A. Case No. 243/1955-56

Present :

Shri S. Patnaik, O.J.S. (I),
Additional Assistant Commissioner of
Endowments, Sambalpur.

In the matter of Sri Sri Nrusingha Mohaprabhu,
At Durgapalli, P. O. Paikmal,
P. O./Tahasil Paikmal, District Bargarh.

In the matter of :

1. Shri Gountia Kumar Sahu,
S/o Shri Ugresan Sahu, aged about 54 years,
Occupation : Advocate, Resident of Ward No. 10,
Padampur, P. O. Rajbodasambar, P.S. Padampur,
District Bargarh.
2. Shri Subash Chandra Joshi,
S/o Late Manabodh Joshi, aged about
40 years, Occupation : Advocate, Ward No. 6,
Padampur, P. O. Rajbodasambar, P.S. Padampur,
Dist. Bargarh.

3. Shri Gajanand Sharma,
S/o Late Gouri Shankar Sharma , aged about
40 years, Occupation : Business, R/o Ward No. 8,
Padampur, P.S. Padampur, Dist. Bargarh.
4. Shri Parsuram Raut,
S/o Late Dayanidhi Raut , aged about
65 years, R/o Koknara, P. O. Koknara,
P.S. Paikmal, Dist. Bargarh.
5. Shri Ram Ratan Purohit,
S/o Radhesyam Purohit , aged about
40 years, Occupation : Advocate, R/o Paikmal,
P.O./P.S. Paikmal, Dist. Bargarh.
6. Shri Ramoj Kumar Trivedi,
S/o Late Ram Prasad Trivedi , aged about
36 years, Occupation : Advocate, R/o Paikmal,
P.O./P.S. Paikmal, Dist. Bargarh. Petitioners

Versus

Block Development Officer, Paikmal, Opp. Party
Acting Trustee (Interim Trustee),
At/P.O. Paikmal, Dist. Bargarh.

ORDER

The 3rd June 2008

No. 965-Judl.—In exercise of the power conferred under Rule 30 of the Scheme formulated vide Order No. 13 (Camp.)/Judl., dated the 21st July 1957 in O. A. Case No. 243/1955-56 under Section 42 of the Orissa Hindu Religious Endowments Act, the provisions of the Scheme are hereby amended in the interest of the institution as follows :—

SCHEME

1. The Scheme shall come into force at once.
2. In the Scheme if not consistent with the contest the Act, means the Orissa Act II of 1952 as amended from time to time. The word 'Net income' means the income remaining for expenditure after payment of Government and other public dues such as contribution, audit charges and if there is any loan payable 15 per cent of the same and all other words and expressions used herein shall have the respective meaning assigned to them in the Act.
3. The institution with its endowments being a big and important institution of Western Orissa shall be administered by a Board of Non-Hereditary Trust Board not exceeding 7 (seven) members. This representing local administrative authority and local persons having

reputation of good character in society, morality and integrity. The Board of Trustees shall be appointed by the Additional Assistant Commissioner of Endowments, Sambalpur, subject to condition that they are not disqualified under Section 29 of the O. H. R. E. Act, and in pursuance of the guideline set by the Commissioner of Endowments, Orissa, Bhubaneswar, who shall hold office for such period not exceeding 2 (two) years as may be fixed by him. The Sub-Collector, Padampur shall invariably to be the President of the Board of being appointed as Trust Board member by the Additional Assistant Commissioner of Endowments, Sambalpur.

4. The Board of Trustees shall be a body corporate and all suits and legal proceedings by or against the said Board shall be conducted in the name of the Executive Officer on behalf of the said Board.

5. The Additional Assistant Commissioner of Endowments, Sambalpur may remove any of the members of the Board at any time, should he find it necessary in the interest of the institution and record a proceeding to that effect stating the grounds for such removal.

6. Any vacancy or vacancies occurring in the office of any of the trustees during or at the end of the said or subsequent periods shall be filled up by the Additional Assistant Commissioner of Endowments, Sambalpur.

7. Every meeting of the Board shall be presided over by the President or in his absence by a member chosen by the members to preside for the occasion.

8. The Board shall meet at least once a month within the premises of the institution for passing the accounts of the previous month and for sanctioning the necessary expenditure and for considering any other matter connected with the management of the institution.

9. The said meeting must be held once in a month by the 10th instant of the month within the premises of the temple for passing accounts of the previous month and for conducting any other matter concerned with the management of the institution.

(a) Provided that if the said meeting could not be convened by the Executive Officer by the 10th of that month for any reason, any two (2) or more members of the Board may requisition the said meeting of the Board by giving seven (7) days notice to other members.

(b) Provided, however, that if no such meeting is convened either by the Executive Officer or members within 20th day of the month, the Additional Assistant Commissioner of Endowments, Sambalpur or any person authorised by him in this behalf shall have the power to call such a meeting and said meeting shall be deemed to be a meeting called by the Board and in such meeting no quorum will be necessary.

10. (a) The said meeting of the Board shall be convened by the Executive Officer with the consultation with the President, giving adequate notice preferably a week before to the other members.

(b) The Executive Officer will be *ex officio* Secretary of the Board.

(c) The quorum for a meeting of the Board shall be ordinarily four.

(d) If there is any urgent item of business on the agenda of any particular meeting, which cannot be postponed for the next meeting the members in attendance, even if, they are less than four can get through the business, provided, if they differ on any particular issue, the same will be referred to the Additional Assistant Commissioner of Endowments, Sambalpur whose decision shall be final.

11. The proceeding of the meeting held shall be recorded in a book to be kept for the purpose and shall be signed by all the members present. Copies of the resolutions shall be submitted to the Additional Assistant Commissioner of Endowments, Sambalpur for approval.

12. Subject to the provisions of the Scheme and to the control of the Board, the Executive Officer shall manage the properties, and all other affairs of the temple and arrange for the conduct of daily worship and ceremonies and other festivals of the temple according to the custom and usages.

13. (a) The Executive Officer shall be appointed by the Additional Assistant Commissioner of Endowments, Sambalpur in consultation with the Commissioner of Endowments, who shall hold office for a period of three (3) years or as fixed by the Additional Assistant Commissioner of Endowments, Sambalpur. The Executive Officer shall be a person in professing Hindu religion to undertake the day-to-day affairs of the management of the institution under the supervision of the President.

(b) The Additional Assistant Commissioner of Endowments, Sambalpur may remove, suspend, dismiss, fine or reduce the Executive Officer for neglect of duty, breach of trust, incapacity, misconduct, disobedience of lawful orders or other misconducts.

(c) He shall be paid out of the fund of the institution such salary as may be fixed from time to time by the Additional Assistant Commissioner of Endowments, Sambalpur.

(d) He shall furnish cash or personal security bond of Rs. 5,000 as his security amount.

(e) All other employees of the institution excepting the Executive Officer shall be appointed by the Trust Board and be paid such salary as may from time to time be fixed by the Trust Board subject to the provisions of expenditure fixed by the Additional Assistant Commissioner of Endowments, Sambalpur with Budget Estimate.

(f) All employees shall be whole-time servants of the institution and shall act under the statutory provisions of the Act and rules of this Scheme.

(g) The Trust Board may remove, suspend, dismiss, or fine and reduce the employees including hereditary servants and office holders for neglect of duty, breach of trust, incapacity, misconduct, disobedience of lawful orders or other misconducts. The employees to be punished by the Trust Board may prefer any appeal before the Additional Assistant Commissioner of Endowments, Sambalpur within a month from the date of receipt of the order, whose decision shall be final.

14. (a) The Executive Officer shall be responsible for the custody of all records and properties including cash and valuables of the institution and shall arrange for the proper collection of the offerings made in or at the institution.

(b) All valuables shall be kept under double lock in custody of the Executive Officer and President of the Board.

15. (a) Subject to the approval of the Board, the Executive Officer may lease out the lands and buildings of the institution which are to be ordinarily leased out annually.

(b) May call for tender for works or supplies and accept such tender.

(c) May in case of emergency, direct the execution of any work, or doing of any act which is not provided in the Budget for the year or not approved in the proceedings of the meeting of the Board, the immediate execution or doing of what is in his opinion necessary for the preservation of the properties of the institution or for the service or for safety of the pilgrims resorting to the institution or for the due discharge of the seva puja of the deities in the institution and may direct that expenses of execution of such work or doing the Act shall be paid from the fund of the institution.

16. The Board shall take necessary steps to recover lands and other properties wrongfully alienated by the ex-trustees or ex-marfatdars or any person claiming under them, if necessary, by filing suit and cases after obtaining the previous sanction of the Additional Assistant Commissioner of Endowments, Sambalpur.

17. The Establishment charges shall not be exceeded 20% of the net income of the institution without previous sanction of the Additional Assistant Commissioner of Endowments, Sambalpur.

18. The expenditure to be incurred on daily service and festival shall be in accordance with a dittam (scale of expenditure) daily approved by the Additional Assistant Commissioner of Endowments, Sambalpur.

19. (a) The Executive Officer shall submit Annual Budget Estimate before the end of the December each year to the Additional Assistant Commissioner of Endowments, Sambalpur in prescribed *pro forma* in triplicate showing prable receipt and disbursement during following financial year for approval.

(b) The Budget shall provide an expenditure of 30% of the net income towards nities and seva puja and 30% for periodical festivals.

(c) The Budget shall provide a sum not less than 5% of the net income of the institution for the purpose of effecting petty repairs and white washing and for capital construction, including works of utility.

(d) The Budget shall provide not less than 5% for charity and other allied purposes.

(e) The Budget shall provide 5% of the net income shall be kept as reserve fund for meeting any unforeseen liabilities and the balance provided in the Budget as closing balance.

(f) The Budget shall also provide a sum not exceeding 5% of the net income of the institution for the purpose of meeting litigation charges.

20. The Additional Assistant Commissioner of Endowments, Sambalpur on receipt such Budget may make such alternation, omission, addition therein or may instruct the Trust Board to chalk out ways and means for improvement of financial condition of the institution to meet the proposed expenditure and to keep reserve fund.

21. The Trustees shall keep all regular accounts or receipts and disbursement and shall maintain all registers as prescribed under the O.H.R.E. Act and rules.

(a) The accounts of the institution shall be audited in every alternative years by the Auditors to be appointed by the Commissioner of Endowments, Orissa, Bhubaneswar.

(b) The provisions contained in the O.H.R.E. Act and rules regarding Budget accounts, audit shall be applicable to this institution.

(c) No Trustees shall incur any expenditure not duly approved in the Budget Estimate for the year.

(d) The Trust Board is liable to pay contribution assessed by the Commissioner of Endowments, Orissa, Bhubaneswar and other dues from time to time.

22. There shall be maintenance of a single Cash Book showing entire income and expenditure of the institution. There shall be two Bank Accounts. One shall be meant for reserve fund. Ledger of accounts shall be maintained by the institution. There shall be a stock and store register of the institution containing the list of all valuable receipts. The Executive Officer shall sit at the entrance of the temple and receive the donation of movable articles from the devotees and grant receipt throughout the period when the temple remains open.

23. The Hundi shall be opened by the Staff of the institution in presence of all the Trust Board members, the Inspector of Endowments, Bargarh and two gentlemen of the locality with one week prior intimation.

24. All purchases shall be made from the reputed firm having O.S.T. and C.S.T. number. There shall be a complaint register which shall be displayed to the devotees at the entrance. It shall be put before the Trust Board meeting every month.

25. All the valuable properties like jewellery, ornament and other valuable articles of the institution shall be kept in a Nationalised Bank locker or in the Government Treasury, as the case may be and ornament daily used shall be kept in an iron chest embedded in the wall of the office of the Executive Officer under double lock. One key to be kept with the Executive Officer and other with the President.

26. All the fixed deposits shall be pledged to the Commissioner of Endowments, Orissa, Bhubaneswar. The Executive Officer can spend of Rs. 3,000 without approval of the Additional Assistant Commissioner of Endowments, Sambalpur and any other expenditures exceeding of Rs. 3,000 shall be incurred after it being passed in the Trust Board meeting and prior approval of the Additional Assistant Commissioner of Endowments, Sambalpur. The Executive Officer shall ensure the signing of all Trust Board members in the resolution book at the beginning and end, as laid down by the Commissioner of Endowments, Orissa, Bhubaneswar vide Order No. 876, dated the 26th July 1977.

27. The Additional Assistant Commissioner of Endowments, Sambalpur shall reserve right to add, modify, alter any of the provision for the Scheme for its proper management.

28. All the receipt books and donation receipt book shall be printed with prior approval of the Additional Assistant Commissioner of Endowments, Sambalpur after proposal for it being passed in the Trust Board meeting. The approved receipt books shall contain the endorsement of the Inspector of Endowments, Bargarh without which those receipt books shall be invalid.

29. All the functions and ceremonies of the deity shall be performed solely by the Trust Board. No parallel Committee or separate Committee shall function in the institution.

30. Separate money order and donation register shall be maintained by the Executive Officer. The Inspector of Endowments, Bargarh shall report about the functioning of the institution in accordance with the Scheme order in each quarter.

31. For any reason, the Board does not properly function due to internal misunderstanding, the President shall manage the institution as Interim Trustee under the instruction of the Additional Assistant Commissioner of Endowments, Sambalpur.

32. Save as expressly provided in the Scheme, the Board of Trustees shall have all right, powers and shall be liable to discharge all the duties provided by the Act and rules made thereunder from time to time.

33. If for any reasons to be recorded in writing, the Executive Officer resigns or on long leave and absence from the duty, the Additional Assistant Commissioner of Endowments, Sambalpur shall have powers to appoint one of the willing member of the Trust Board, as the Managing Trustee with the same power and duty as the Executive Officer.

34. In case of any doubt or ambiguity, it shall be decided by the Additional Assistant Commissioner of Endowments, Sambalpur, whose decision in the matter shall be final.

35. The Trust Board shall issue license to the vendors of Bhog, Pradips, flowers and other shops, the person who take advantage of the institution for monetary gain and excess fees in respect of their business within premises of the institution.

36. All collections of the institution shall be deposited in a Nationalised Bank with the provisions for easy withdrawal to meet legitimate expenditure. It will be jointly operated by the President of the Trust Board, the Executive Officer or Managing Trustee in absence of the Executive Officer.

37. The amended Scheme was come into force from the date of passing of the order. It shall be published in the Extraordinary *Orissa Gazette* and on the temple wall immediately.

S. PATNAIK

3-6-2008

Additional Assistant Commissioner
of Endowments, Sambalpur

Judgment dictated to Steno and corrected by me. Pronounced in open Court on the 3rd day of June, 2008 under my seal and signatures thereof.

S. PATNAIK

3-6-2008

Additional Assistant Commissioner
of Endowments, Sambalpur

SCHEDULE

The temple of Lord Sri Sri Nrusinghanath Mohaprabhu, At/P.O. Durgapalli, P. S./Tahasil Paikmal, Dist. Bargarh with its lands, buildings, temple and movable and immovable properties situated in or out of the temple complex do form part of the Scheme. It being the public religious endowments, the movable and immovable properties of the temple shall be supplemented to the schedule by the Trust Board under intimation to the Additional Assistant Commissioner of Endowments, Sambalpur.

S. PATNAIK

3-6-2008

Additional Assistant Commissioner
of Endowments, Sambalpur